

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JULIE SULLIVAN

#1

MARLEN MARTINEZ

13

CV 2132

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

LOCAL 1199 SEIU, UNITED HEALTHCARE WORKERS EAST;  
LISA GREENE; and NADINE WILLIAMSON

Jury Trial: ☒ Yes ☐ No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

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S.D. OF N.Y.

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name MARLEN MARTINEZ  
Street Address 731 COMMONWEALTH AVENUE, APT. 1A  
County, City BRONX COUNTY, BRONX  
State & Zip Code NEW YORK 10473  
Telephone Number (646) 707-2172

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name LOCAL 1199 SEIU, UNITED HEALTHCARE WORKERS EAST  
Street Address 310 WEST 43RD STREET

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County, City NEW YORK COUNTY, NEW YORKState & Zip Code NEW YORK 10036Telephone Number (212) 582-1890Defendant No. 2 Name LISA GREENEStreet Address 310 WEST 43RD STREETCounty, City NEW YORK COUNTY, NEW YORKState & Zip Code NEW YORK 10036Telephone Number (212) 582-1890Defendant No. 3 Name NADINE WILLIAMSONStreet Address 310 WEST 43RD STREETCounty, City NEW YORK COUNTY, NEW YORKState & Zip Code NEW YORK 10036Telephone Number (212) 582-1890

Defendant No. 4 Name \_\_\_\_\_

Street Address \_\_\_\_\_

County, City \_\_\_\_\_

State &amp; Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (*check all that apply*)☒ Federal Questions☐ Diversity of CitizenshipB. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 42 U.S.C. § 1981 et seq., against the Union and its Agents; and 29 U.S.C. § 185, against the Union.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? See attached Statement of Claims and Facts.

B. What date and approximate time did the events giving rise to your claim(s) occur? See attached Statement of Claims and Facts.

C. Facts: See attached Statement of Claims and Facts.

What  
happened  
to you?

Who did  
what?

Was anyone  
else  
involved?

Who else  
saw what  
happened?

#### IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Due to my former Union's and/or its agents' conduct, I have suffered economically, emotionally, and was forced to expend Thousands of Dollars in Legal fees and out of pocket expenses.



**Statement Of Claims And Facts**

- 1) I am a Black Hispanic, born in the Country of Honduras, Central America.
- 2) From the Summer of 2002 until the Fall of 2009, I was a member of Local Union 1199, and in good standing.
- 3) During that same time period, I was employed by St. Barnabas Hospital, in the Bronx, as a Registered Nurse ("RN").
- 4) During my tenure at St. Barnabas, my time, attendance and work performance were exemplary. In 2009, I was assigned to the Intensive Care Unit ("ICU") of St. Barnabas.
- 5) While at the ICU, the overwhelming majority of the RNs and Supervisors were Filipino Nurses. I was the only Honduran Nurse at the Unit. All regular RNs at St. Barnabas were members of Local Union 1199 ("Union").
- 6) On 9-14-2009, an incident of missing three (3) vials of Morphine Sulfate ensued at my Unit. All other Nurses implicated in the incident were Filipino Nurses.
- 7) Our Union representative, at the time, was Ms. Lisa Greene. Ms. Greene is an African American.
- 8) A perfunctory investigation by St. Barnabas was conducted. Eventually, the Hospital decided that another Filipino Nurse, Ms. Cora Fischer, and I would be suspended.
- 9) Initially, the Union through Ms. Greene, grieved our suspensions. However, a few days later, Ms. Greene informed me that higher authority at the Union's Headquarters decided that she should continue with the Filipino Nurse's representation, while assigning me to another Union Representative. To my knowledge, Ms. Williamson is African American.
- 10) Sometime later, in September 2009, I learned that my newly assigned Union Representative was Ms. Nadine Williamson. I also learned that the Filipino Nurse was returned to work after 3 days of suspension. To my knowledge, Ms. Williamson is African American.
- 11) When I inquired from Ms. Greene of the disparity in treatment, where Ms. Fischer was returned, while I continued to be out, she replied it was because she was Filipino, and agreed that I was being singled out. She also volunteered that, earlier in September 2009, the Emergency Room had missing morphine, in a large quantity, but no one was punished for it. All the implicated Emergency Room Nurses involved in that incident, were Filipino.



12) During that same conversation, I protested to Ms. Greene that the Union in choosing to actively and vehemently represent Ms. Fischer over me, and having St. Barnabas return her to work only after 3 days of suspension, while I continued to be out, was discriminatory on account of my National Origin/Ethnicity. To my surprise, Ms. Greene agreed and suggested that I hire an outside Lawyer to represent me.

13) After this revelation, I contacted my sister, who is an attorney. My sister and I, had a telephone conference with Ms. Greene, regarding my suspension status. During the Conference Call, Ms. Greene reiterated and confirmed the fore-mentioned discussions to my sister.

14) Based on the three-way call, my sister agreed that I should get my own attorney who is familiar with labor and employment practice.

15) Accordingly, I hired an attorney, who filed a discrimination claim on my behalf against St. Barnabas Hospital. The case was tried to a jury, which was deadlocked. Eventually, that case was settled.

16) During the jury trial, which lasted from 10-9-2012 to 10-17-2012, I learned for the first time, that the Hospital had asked the Union to have an informal meeting with the Vice President of Nursing, Ms. Greene, Ms. Fischer and myself, in an attempt to resolve our pending suspensions.

17) I also learned for the first time, that Ms. Greene did in fact arrange for Ms. Fischer to meet with the Hospital's Vice President of Nursing, which culminated in Ms. Fischer's return to work.

18) However, neither Ms. Greene nor anyone from the Union ever contacted me to attend such meeting with the Vice President of St. Barnabas.

19) At my trial of October 2012, the Vice President of Nursing, Ms. Graham, testified that she told Ms. Greene to have me meet with her, to which Ms. Greene advised her that I was not interested or refused to do so. This representation by Ms. Greene was false, as she had never advised me of Ms. Graham's wishes.

20) Furthermore, Ms. Greene testified, at my trial, that she was told by Ms. Williamson that I did not wish to meet with Ms. Graham. This testimony is also false, as Ms. Williamson never shared this information with me.

21) Moreover, I believe that the Union and its representatives, Ms. Greene and Ms. Williamson, discriminated against me on account of my National Origin and Ethnicity and retaliated against me, after I complained to Ms. Greene of that discrimination, in violation of 42 U.S.C. § 1981.

22) I believe that the Union's failure to advise me of said meeting was violative of its duty to fairly represent me, in violation of 29 U.S.C. § 185.

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